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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/891,200

06/26/2001

Eugene S. Smotkin

491712000100

9382

25227 7590 06/16/2008

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EXAMINER

ALEJANDRO, RAYMOND

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09891200	6/26/2001	SMOTKIN, EUGENE S.	491712000100

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**EXAMINER**

Raymond Alejandro

ART UNIT	PAPER
1795	20080610

DATE MAILED:

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**Commissioner for Patents**

The information disclosure statement filed 08/31/07 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered. It is noted that applicant checked a box (see page 2) indicating that the IDS of 08/31/07 was submitted "after receipt of a first Office Action on the merits but before mailing of final office action or Notice of Allowance; and that no fee is believed to be due". This statement is incorrect because a FINAL rejection was issued on 12/12/06, and two appeal briefs were also filed on 05/29/07 and 07/11/07. Thus, the IDS of 08/31/07 was submitted after closing prosecution of the present application.

/Raymond Alejandro/  
Primary Examiner, Art Unit 1795